

## **GENERAL ORDINANCES**

### **ARTICLE TWO- REGULATION OF THE USE OF SKATEBOARDS, SCOOTERS, ROLLERSKATES AND IN-LINE SKATES ON OR WITHIN THE CITY LIMITS OF THE VILLAGE OF LAKE PARK**

The General Ordinance provisions are enacted by the Village of Lake Park pursuant to North Carolina General Statute Section 160A-174 for purposes of defining, prohibiting, regulating or abating acts, omissions, or conditions which are detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the village.

#### **SECTION ONE- DEFINITIONS**

(A) General Rule- Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) For the purposes of this code the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**COMMON AREA.** Any area that is designated as a common area by the Village of Lake Park within its corporate limits on the most recent map of the Village as is maintained in the office of the Clerk for the Village of Lake Park.

**SKATEBOARD.** A non-motorized vehicle with two (2) pairs of wheels tandem mounted below a single horizontal board upon which the rider stands and is propelled by pushing off the travel surface with one (1) foot. Steering is achieved by shifting the body weight from one side to the other.

**ROLLER SKATES.** A non-motorized vehicle with two (2) pairs of wheels tandem mounted on shoes worn by the roller-skater. The roller-skater stands and is propelled by pushing off the travel surface with each foot. Steering is achieved by shifting the body weight from one side to the other.

**IN-LINE SKATES.** A non-motorized vehicle with three (3) to five (5) wheels mounted in-line on shoes worn by the skater. The skater stands and is propelled by pushing off the travel surface with each foot. Steering is achieved by shifting the body weight from one side to the other.

**SCOOTER.** A non-motorized vehicle consisting of a footboard mounted between two (2) wheels tandem with an upright steering handle attached to a front wheel.

#### **SECTION TWO- PROHIBITIONS**

(A). It shall be unlawful for any person riding a skateboard, scooter, roller skates or in-line skates to attach it or himself to any motorized vehicle which is in motion.

**(B). It shall be unlawful for any person riding a skateboard, scooter, roller skates or in-skates to ride such devices in or on the following locations:**

- 1. Any municipal building.**
- 2. Any municipal parking area.**
- 3. Any sidewalk directly adjacent to any business operating within the corporate limits of the Village of Lake Park, North Carolina.**
- 4. All brick surfaces including but not limited to brick planters and brick fences. This shall not include brick surfaces being used as street crosswalks.**
- 5. Recreational facilities of the Village of Lake Park including but not limited to basketball courts, tennis courts and swimming pools.**
- 6. Any part of a gazebo which is in or on public property.**
- 7. Any equipment or piece of equipment being used to provide public utility services including but not limited to lamp posts, utility boxes and other like equipment.**
- 8. Any public park benches or tables.**

**(C). It shall be unlawful for any person riding a skateboard, scooter, roller skates or in-line skates on any public sidewalk to fail to yield the right of way to any pedestrian on the same sidewalk or crossing over to the same sidewalk.**

**(D). It shall be unlawful for any person under the age of 16 years to ride a skateboard, scooter, roller skates or in-line skates in or on any location within the corporate limits of the Village unless the person wears a protective helmet of good fit, fastened securely upon the head with the straps of the helmet.**

**(E). It shall be unlawful for a parent or guardian to knowingly allow his child or ward under the age of 16 years to so operate or ride a skateboard, scooter, roller skates or in-line skates without wearing a protective helmet of good fit, fastened securely upon the head with the straps of the helmet.**

**(F). Such helmet referred to herein above in subsections D & E shall meet or exceed the safety standards set forth by the U.S. Consumer Products Safety Commission.**

**(G). A civil penalty may be waived as to any first-time violator of subsections D, E & F referred to herein above upon presentation of evidence that the violator has purchased or procured an approved helmet and demonstrated the intention of using the helmet as required by law.**

**(H). Each and every violation shall be a separate and distinct offense.**

### SECTION THREE- ENFORCEMENT

(A). The Village of Lake Park shall request that local law enforcement administer and enforce the terms of this Article. A warning, either verbal or written, shall be issued upon a first incident. A citation for a second or subsequent violation shall be issued. Nothing in this Chapter shall be construed to limit the legal authority or powers of local law enforcement in enforcing other laws or in otherwise carrying out their duties.

(B). Upon the issuance of a warning the activity in question shall immediately cease and the skateboard, scooter, roller skates or in-line skates shall be removed by its possessor and taken to a location that is not in violation of the provisions of this chapter or in violation of the restrictive covenants of the Village of Lake Park.

(C). Violations of this ordinance shall not be punishable as criminal violations. Violations of this ordinance shall subject the person cited or those otherwise responsible for the person to a civil penalty in the amount of \$50.00 upon the issuance of a citation. If a citation is issued for a violation of this ordinance by a minor child, the minor child's parent or guardian shall be responsible for the payment of the penalty. The civil penalty shall be paid within five (5) business days of its issuance as directed upon the citation form. The failure to pay the penalty shall authorize the Village to initiate civil action against the person or those otherwise responsible for the person to establish a debt to the Village.

### SECTION FOUR- CONFLICT OF LAWS

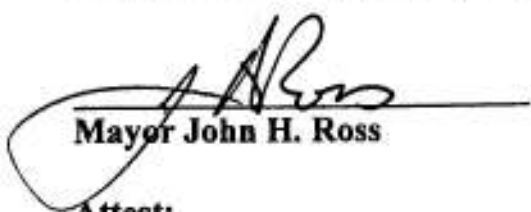
If any portion of this ordinance or the enforcement thereof is found to be preempted by any state or federal law, such preemption shall not operate to invalidate the rest of the ordinance and the same shall remain in full force and effect.

### SECTION FIVE- SEVERABILITY

If any part of this ordinance or the application thereof to any person or condition is held invalid such invalidity shall not affect other parts of this ordinance or their application to any other persons or condition, and to this end, the provisions of this ordinance are hereby declared severable.

This Ordinance shall be effective upon its adoption by the Village Council.

Adopted this the 10<sup>th</sup> day of August, 2004.

  
Mayor John H. Ross

Attest:

  
Village Clerk